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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,926	09/28/2000	Reginald W. Sprecher	99AB169	8138

7590 08/31/2004

Attention John J Horn
Rockwell Technologies LLC
Patent Dept 704P Floor 8 T 29
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Milwaukee, WI 53204

EXAMINER

YANCHUS III, PAUL B

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/670,926

Applicant(s)

SPRECHER ET AL.

Examiner

Paul B Yanchus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-16, 21-28 and 31-35 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 17-20, 29, 30 and 36-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

This final office action is in response to amendments filed on 5/21/04.

Allowable Subject Matter

Claims 9, 10, 17-20, 29, 30, 36-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 11, 21, 23-26 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Altberg et al., US Patent no. 6,353,928 [Altberg].

Regarding claim 1, Altberg teaches a system and method for adding a component [Application, element 205 in Figure 2] into a multi-component electronic device [Computer System, element 200 in Figure 2], the comprising:

determining a required shared resource list of types and version numbers of shared resources required by the component and other components of the multi-

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component electronic device [shared library DLL, element 210 in Figure 2 and column 5, lines 49-55];

attaching to the component a link to the required shared resource list [Figure 2 and column 5, lines 50-51];

executing a loader program upon installation of the component to compare the required shared resource list with the set of shared resources provided by the multi-component electronic device [column 5, lines 49-55];

when the entire required shared resource list match the set of shared resources provided by the multi-component electronic device, adding the component to the multi-component electronic device [column 5, lines 49-65]; and

when less than the entire required shared resource list match the set of shared resources provided by the multi-component electronic device, determining the missing shared resources and searching for the missing resources and installing the missing shared resources on the multi-component electronic device [column 5, line 66 – column 6, line 9].

Regarding claim 3, Altberg teaches notifying the user when the missing shared resource is not found [column 5, lines 60-65].

Regarding claim 4, Altberg states that the shared resources can be files, available RAM or processors [column 5, lines 49-52 and column 6, lines 24-36].

Regarding claim 5, Altberg states that the required files could be located on the computer system or on the shipping media [column 6, lines 1-8].

Regarding claim 6, Altberg states that the program modules could be on local or remote memory storage [column 4, lines 2-7].

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Regarding claims 11, Altberg states that the set of shared resources is determined by the shared library DLL [column 5, lines 49-55].

Regarding claim 21, Altberg teaches a multi-component electronic system comprising:

- a multi-component device providing a set of shared resources having types and version numbers [Computer System, element 200 in Figure 2];

- a component suitable for the multi-component device and having a link to a required shared resource list holding types and version numbers of shared resources required by the component [Application, element 205 in Figure 2];

- a loader program executing to:

- compare the required shared resource list of a component with the set of shared resources [column 5, lines 49-55];

- when the entire required shared resource list match the set of shared resources provided by the multi-component electronic device, allowing addition of the component to the multi-component electronic device [column 5, lines 49-65]; and

- when less than the entire required shared resource list match the set of shared resources provided by the multi-component electronic device, determining the missing shared resources and searching for the missing resources and installing the missing shared resources on the multi-component electronic device [column 5, line 66 – column 6, line 9].

Regarding claim 23, Altberg teaches notifying the user when the missing shared resource is not found [column 5, lines 60-65].

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Regarding claim 24, Altberg states that the shared resources can be files, available RAM or processors [column 5, lines 49-52 and column 6, lines 24-36].

Regarding claim 25, Altberg states that the required files could be located on the computer system or on the shipping media [column 6, lines 1-8].

Regarding claim 26, Altberg states that the program modules could be on local or remote memory storage [column 4, lines 2-7].

Regarding claim 31, Altberg states that the set of shared resources is determined by the shared library DLL [column 5, lines 49-55].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altberg et al., US Patent no. 6,353,928 [Altberg], in view of, Lipe, US Patent no. 5,548,759.

Regarding claims 2 and 22, Altberg, as described above, discloses adding software to a computer system. Altberg does not explicitly disclose adding a hardware component to a computer system. However, Lipe teaches that it is well known in the art that hardware components require specific applications or drivers to be installed when they are added to a computer system in order for the hardware component and the computer system to successfully communicate [column 2, lines 42-50]. Therefore it

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would have been obvious to one of ordinary skill in the art to apply the Altberg method of adding software to a computer system to applications or drivers that are to be installed along with a hardware component to ensure that the newly installed hardware component will operate correctly.

Claims 7, 8, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altberg et al., US Patent no. 6,353,928 [Altberg], in view of, Chamberlain, US Patent no. 6,438,749.

Regarding claims 7, 8, 27 and 28, Altberg does not explicitly teach adding newer versions of shared resources to the system without overwriting the older versions of the shared resources. Chamberlain teaches backing up old files to a separate location when installing newer versions of the file in order to enable the computer system to be rolled back to a known stable state it was in prior to a failed or aborted installation [column 1, lines 58-65 and column 2, lines 56-59]. One would be motivated to modify the Altberg method to backup the older versions of the shared resources when adding newer versions to allow the system to revert back to using the older versions of the shared resources in the case that the newer versions cause the computer system to become unstable.

Claims 12-16 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altberg et al., US Patent no. 6,353,928 [Altberg], in view of, Draves, US Patent no. 5,802,590.

Altberg does not explicitly teach using a shared resource table to keep track of the shared resources of a computer system. However, Draves states using tables to keep track of shared resources in a computer system is well known in the art in order to help manage the resources [column 1, lines 42-57]. Therefore it would have been obvious to

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one of ordinary skill in the art to modify the Altberg method to use well known shared resource tables to keep track of shared resources in a computer system in order to have an organized way of accounting for shared resources in a system.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul B Yanchus whose telephone number is (703) 305-8022. The examiner can normally be reached on Mon-Thurs 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Yanchus
August 23, 2004


LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
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